

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Sirus Masters,

Plaintiff,

v.

Jeffrey Samich,

Defendant.

Case No. 2:24-cv-3697

Judge James L. Graham

Magistrate Judge Chelsey M. Vascura

Opinion and Order

This matter is before the Court on the Magistrate Judge's Report and Recommendation, which recommended on an initial screening under 28 U.S.C. § 1915A that this action be dismissed for lack of subject matter jurisdiction. The Magistrate Judge found that federal question jurisdiction does not exist under 28 U.S.C. § 1331 because plaintiff, who is proceeding *pro se*, alleged only state law claims for false imprisonment, defamation, and fraud. The Magistrate Judge further found that diversity jurisdiction does not exist under 28 U.S.C. § 1332 because plaintiff alleges that he and defendant are both residents of Ohio.

Rather than file an objection to the Report and Recommendation, plaintiff filed a document entitled, "Refile in Civil lawsuit on Jeff Samich for many acts of crime." Doc. 6. In this document, plaintiff purports to be "refiling a lawsuit" against defendant Samich to assert claims for kidnapping, false imprisonment, theft, fraud, and defamation. The document alleges how defendant, who is not a federal or state actor, engaged in various acts of wrongdoing with respect to plaintiff's now-deceased adult daughter and with respect to the custody of the daughter's minor child. Plaintiff seeks monetary compensation and the "incarceration" of defendant.

Upon *de novo* review, the Court agrees that subject matter jurisdiction is lacking. Plaintiff has not identified a federal right or statute which is implicated by his allegations. To the extent he believes he can bring a criminal prosecution in federal court, he is incorrect. "A private citizen has no authority to initiate a federal criminal prosecution; that power is vested exclusively in the executive branch." *Saro v. Brown*, 11 Fed. App'x 387, 388 (6th Cir. 2001). Furthermore, plaintiff

continues to maintain that he and defendant are residents of Franklin County, Ohio; thus, diversity jurisdiction is lacking.

Accordingly, the Court ADOPTS the Report and Recommendation (doc. 4), and this action is hereby dismissed for lack of subject matter jurisdiction.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: August 19, 2024